

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARTIN GROSS,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
<b>v.</b>	:	
	:	<b>NO. 10-2380</b>
<b>R.T. REYNOLDS et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 28th day of February 2013, upon careful consideration of Defendants' Motion to Dismiss the Second Amended Complaint (Doc. No. 65) and Plaintiff's Response thereto (Doc. No. 69), **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, as follows:

1. Count I of the Second Amended Complaint is dismissed, *with prejudice*;
2. Count II of the Second Amended Complaint is dismissed, *without prejudice*;
3. The Clerk of Court is directed to mark this case **CLOSED**.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.